



**REGULAR CITY COUNCIL MEETING  
FRISCO CITY HALL  
GEORGE A. PUREFOY MUNICIPAL CENTER  
COUNCIL CHAMBERS  
6101 FRISCO SQUARE BLVD.  
FRISCO, TEXAS 75034**

**5:30 PM**

**TUESDAY, MAY 04, 2010**

**MINUTES**

Mayor	Maher Maso	Present
Mayor Pro Tem	Jeff Cheney	Present
Deputy Mayor Pro Tem	Bob Allen	Present
Council Member	Pat Fallon	Present
Council Member	Scott Johnson	Present
Council Member	David Prince	Present
Council Member	Bart Crowder	Present

**CALL TO ORDER**

Mayor Maso called the meeting to order at 5:30 p.m. and announced that all members were present representing a quorum.

**1. ROLL CALL**

Representing staff were: City Manager, George Purefoy; Deputy City Manager, Henry Hill; Assistant City Manager, Nell Lange; Assistant City Manager, Ron Patterson; Assistants to the City Manager, Ben Brezina and Daniel Ford; Library Services Director, Shelley Holley; Director of Development Services, John Lettelleir; Director of Financial Services, Anita Cothran; Director of Engineering Services, Paul Knippel; Parks & Recreation Director, Rick Wieland; City Attorney Richard Abernathy; City Attorney Rebecca Brewer, and City Secretary, Jenny Page.

## **CLOSED SESSION**

Pat Fallon moved to Closed Session at 5:33 p.m. Bart Crowder seconded the motion.

Passed

Vote: 6 – 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon, Bob Allen, David Prince;

Against: (None)

2. Recess into Closed Session in compliance with Section 551.001 et. seq. Texas Government Code, to wit:
  - A. Section 551.071. Meeting with City Attorney regarding a matter(s) in which the duty of the City Attorney under the Texas Disciplinary rules of Professional Conduct of the State Bar of Texas conflicts with the Open Meetings Act regarding:
    - i. Receive legal advice regarding Cause No. 296-04045-2008 in the case styled RoughRiders Baseball Partners, LP v. HKS, Inc. and David Schwarz Architectural Services, P.C. pending in the 296th Judicial Court of Collin County, Texas.
    - ii. Receive legal advice concerning legal issues with the Fieldhouse project.
  - B. Section 551.072. To deliberate the purchase, exchange, lease or value of real property located:
    - i. South of US 380, North of The Colony city limits and North of 121, East of FM 423, and West of Hillcrest Road
  - C. Section 551.074. Personnel Matters: Section 551.074 authorizes certain deliberations about officers and employees of the governmental body to be held in executive session:
    - i. Deliberation Regarding the Annual Evaluation of Richard Abernathy (City Attorney)
    - ii. Deliberation Regarding the Annual Evaluation of Michael Drewry (Municipal Judge)
  - D. Section 551.087. Deliberation regarding commercial or financial information that the City has received from a business prospect and to deliberate the offer or other incentives to a business prospect.
3. Reconvene into Regular Session and take any action necessary as a result of the Closed Session.

Mayor Maso announced there was no action to take in regard to items discussed in Closed Session.

Jeff Cheney moved to reconvene into Regular Session at 6:41 p.m. Scott Johnson seconded the motion.

Passed

Vote: 6 – 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon, Bob Allen, David Prince;

Against: (None)

### **INVOCATION**

Pastor Joe Harms from Stonebriar Community Church led the Invocation.

### **PLEDGE OF ALLEGIANCE**

Cub Scout Wolf Pack 142, Den7 led the audience in the United States and the Texas Pledge of Allegiance. The boys are in 2nd grade at Isbell Elementary and Curtsinger Elementary.

### **PROCLAMATIONS**

City Attorney Richard Abernathy arrived on the dais at 6:55 p.m. and City Attorney Rebecca Brewer stepped down.

4. Keith Koester -- Eagle Scout

Mayor Maher Maso proclaimed May 5, 2010 as "KEITH KOESTER DAY" for achieving the rank of Eagle Scout. Keith was supported by parents, Joe and Jan Koester; and sisters, Krystal and Kelsey Koester.

5. Donnie Kern -- Eagle Scout

Mayor Maher Maso proclaimed May 4, 2010 as "DONALD SWEIGART KERN DAY" for achieving the rank of Eagle Scout. In attendance were parents, Donald and Angela Kern and brother Andrew Kern.

6. Motorcycle Safety and Awareness Month

Mayor Maher Maso proclaimed the month of May 2010 as "MOTORCYCLE SAFETY AND AWARENESS MONTH". Rick Stadt accepted the proclamation on behalf of the Texas COC and the Big D Gypsies. Mr. Stadt thanked Council, Geneva Polster, and Jim Joyner for placing "Share The Road" signs within the City of Frisco and presented a letter of appreciation to the City. He also thanked Brian Moen for helping.

### **REPORTS**

7. Sister City Program Update and Recognition of FISD Students

Nicole Krasa, Mike Skelton, Jamie Driscle, and Tony Felker, were present to give an update of the organizations activities and presented the new logo for the organization that was created by Fisd students. The winner was Wes Dunham, and he explained his design plan for the logo.

8. Texas Recreation and Parks (TRAPS) Gold Medal Award Class II Presentation (P&R/RW)

Parks and Recreation Director, Rick Wieland presented the Texas Recreation and Parks (TRAPS) Gold Medal Award that the Parks and Recreation Department was recently awarded in the Class II category for cities with population between 100,000 to 250,000. He asked many staff members in attendance to help him present the award to the Council.

9. Library report on usage and programming activities

Library Services Director, Shelley Holley presented the Library Report on monthly usage and programming activities.

10. Parks and Recreation Monthly Report regarding Park & Trail Development, Facilities, Special Events and Youth Development.

Parks & Recreation Director, Rick Wieland, presented a report on Park & Trail Development, Facilities, Special Events, and Youth Development.

11. Engineering Services Monthly Report on Roads, Traffic, Water and Sewer Projects.

Engineering Services Director, Paul Knippel presented Engineering Services Monthly Report on Roads, Traffic, Water and Sewer Projects.

Mayor Maso moved to the Consent Agenda since it was not yet 7:30 p.m.

**CITIZEN INPUT (to begin approximately at 7:30 p.m.)**

Mr. David Siciliano, with the Frisco Developer's Council updated the Council on a recent study and presented them with a report.

City Manager George Purefoy commented that he felt that the first page of the report was unfair and did not agree with it at all.

Mayor Maso continued to the Regular Agenda.

**CONSENT AGENDA**

(Items placed on the Consent Agenda are considered routine in nature and are considered non-controversial. The

Consent Agenda can be acted upon in one motion. A majority of the Council is required to remove any item for discussion and separate action. Council members may vote nay on any single item without comment and may submit written comments as part of the official record.)

Jeff Cheney moved to approve Consent Agenda. David Prince seconded the motion.

Passed

Vote: 6 – 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon, Bob Allen, David Prince;

Against: (None)

12. Consider and act on approval of the April 20, 2010 City Council meeting minutes. (CSO/JP)
13. Consider and act upon authorization for the City Manager to execute Change Order Number 2 to the Standard Form of Agreement for construction services by and between the City of Frisco and UtiliTex Construction, LLP for the SH 121 Sanitary Sewer (Custer Rd to Independence Parkway) (CIP #08-0009) (Engineering/AH)
14. Consider and act upon adoption of a Resolution authoring the City Manager to execute Amendment Number 1 to the Professional Services Agreement by and between the City of Frisco and Kimley-Horn Associates, Inc. for Engineering Design, Bid Package Preparation and Construction Administration Services for the Eldorado Parkway Streetscape Improvements (FM 423 to Dallas Parkway). (Engineering\AH) 10-05-60R
15. Consider and Act upon accepting a bid and approve a resolution authorizing the City Manager to issue a Purchase Order to North Texas Bomanite Inc. for staining and repair of concrete and stain at Frisco Commons. (Parks/DR) 10-05-61R
16. Review and Accept the Quarterly Investment Report (Financial Services/AC)
17. Consider and Act upon approving a resolution authorizing the City Manager to execute Change Order One with Estrada Concrete Construction LLC. for Hike and Bike Trail along Lebanon Road and Warren Parkway. (Parks/DR) 10-05-62R
18. Consider and act upon authorization for the City Manager to execute Change Order Number One to the Anchor Fence for services by and between the City of Frisco and Anchor Fence, Inc., for construction services for the security fence around police building radio tower. (Police/TR)

19. Consider and act upon approval of a purchase order to Darr Equipment Company for the purchase of an all terrain forklift. (Public Works/TJ)
20. Consider and act upon approval of purchase orders to Dell Marketing for purchase of office computers and servers, through the State of Texas Department of Information Resources (DIR) contract during the fiscal year 2010. (IT/TJ)

## **LEGISLATIVE AGENDA**

(These items may legally require Council Action, but by Council Policy should be the City Manager's responsibility. The Legislative Agenda can be acted upon in one motion. The concurrence of two council members is required to remove any item for separate discussion and action. Council members may vote nay on any single item without comment and may submit written comments as part of the official record.)

Bob Allen moved to approve Legislative Agenda. David Prince seconded the motion.

Passed

Vote: 6 – 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon, Bob Allen, David Prince;

Against: (None)

21. Consider and act upon adoption of an Ordinance to amend Article IV, Section 4, Subsection 4.07(A) Off-street Parking Requirements and Subsection 4.07(B) Stacking Requirements for Child Day Care Centers. ZA10-0002. (Development Services/RC) 10-05-22
22. Consider and act upon an Ordinance to change the existing posted speed limit on SH 121 Southbound Frontage Road from 60 mph to 55 mph from Hillcrest Road to The Colony/Frisco City Limit contingent upon the acceptance by the Texas Transportation Commission (Engineering/BM). 10-05-23

Mayor Maso returned to Citizen Input.

## **REGULAR AGENDA**

23. Public Hearing: Zoning Case Z10-0001. Consider and Act upon a request to amend Planned Development-33 (Section 2.16 of Ordinance No. 89-09-01) pertaining to the removal of the "Public Service" provision. The property contains 76.1± acres and is generally located south of Lebanon Road, on the east and west side of Legacy Drive. Zoned Planned Development-33-Business Center with a Specific Use Permit (S-65) for a Private Club and a Specific Use Permit (S-150) for a Day Care Center. Neighborhood No. 31, 32 and 33. (Development Services/JE).

John Lettelleir presented information on Zoning Case Z10-0001 and commented that the Planning & Zoning Commission had unanimously approved and recommended removal of the "Public Service" provision.

Bob Allen moved to open the public hearing. Bart Crowder seconded.

Passed

Vote: 6 – 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon, Bob Allen, David Prince;

Against: (None)

Bob Allen moved to close the public hearing. Bart Crowder seconded.

Passed

Vote: 6 – 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon, Bob Allen, David Prince;

Against: (None)

24. Consider and act upon adoption of an Ordinance to amend Planned Development-33 (Section 2.16 of Ordinance No. 89-09-01) pertaining to the removal of the "Public Service" provision. The property contains 76.1± acres located south of Lebanon Road, on the east and west side of Legacy Drive. Zoned Planned Development-33-Business Center with a Specific Use Permit (S-65) for a Private Club and a Specific Use Permit (S-150) for a Day Care Center. Neighborhood No. 31, 32, and 33. Z10-0001 (Development Services/JE) 10-05-24

After discussion, Bob Allen moved to approve adoption of an Ordinance to amend Planned Development-33 (Section 2.16 of Ordinance No. 89-09-01) pertaining to the removal of the "Public Service" provision. The property contains 76.1± acres located south of Lebanon Road, on the east and west side of Legacy Drive. Zoned Planned Development-33-Business Center with a Specific Use Permit (S-65) for a Private Club and a Specific Use Permit (S-150) for a Day Care Center. Neighborhood No. 31, 32, and 33. Z10-0001. Scott Johnson seconded the motion.

Passed

Vote: 6 – 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon, Bob Allen, David Prince;

Against: (None)

25. Consider and act upon approval of the Frisco Economic Development Corporation Comprehensive Economic Development Strategy. (EDC/JG)

Executive Director, Jim Gandy presented a brief slide show on the

Comprehensive Economic Development Strategy and asked for approval of the plan.

David Prince moved to approve the Frisco Economic Development Corporation Comprehensive Economic Development Strategy. Bob Allen seconded the motion.

Passed

Vote: 6 – 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon, Bob Allen, David Prince;

Against: (None)

26. Discussion and give staff direction regarding possible changes to the City's Water Management Plan.

Council member Bart Crowder asked that this item be placed on the agenda for discussion and possible amendment. Mr. Crowder briefly commented on the positives of the plan that was recognized by TML for its accomplishments but asked that some of the seasonal requirements be loosened and determined by the conditions at the time. If there were no drought conditions, he felt that the restrictions should be voluntary.

Public Works Director, Gary Hartwell explained that the plan was in line with new State requirements and the philosophy was to educate the citizens in a sensible way with three options; Winter, Spring/Fall, and Summer.

Councilman Crowder proposed having only two season options: Winter, and Spring/Summer/Fall.

In response, Mr. Hartwell felt that restrictions were needed during the Summer to guard against lower water levels that might endanger fire prevention on high usage days.

Council decided to postpone the discussion until the Summer Work Session.

27. City Council Consideration of Amendments to the City of Frisco Annual 2010 Budget (CMO/NL)

Assistant City Manager, Nell Lange presented budget amendments to revise the FY 2010 budget as general housekeeping.



- A. Consider and Act Upon an Amendment to Ordinance No. 09-09-53 Approving the Revised Budget Figures for the City of Frisco, Texas for the Fiscal Year Beginning October 1, 2009. 10-05-25
- B. Consider and Act Upon an Amendment to Ordinance No. 09-09-55 Approving the Revised Budget Figures for the Frisco Economic Development Corporation for the Fiscal Year Beginning October 1, 2009. 10-05-26

Bob Allen moved to approve amendments to the City of Frisco Annual 2010 Budget. David Prince seconded the motion.

Passed

Vote: 6 – 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon, Bob Allen, David Prince;

Against: (None)

28. Consider and act upon whether to direct staff to submit a written notice of appeal on behalf of the City Council to Development Services, pursuant to Article IV, Section 1.07(C) of the Comprehensive Zoning Ordinance and/or Section 4.05 of the Subdivision Regulation Ordinance, regarding action taken by the Planning and Zoning Commission on any site plan or plat. Any written notice of appeal must be submitted to Development Services. (Development Services)

There were no appeals.

Bob Allen moved to recess in to Closed Session to finish discussion on unfinished business from the earlier Closed Session, at 8:38 p.m. Bart Crowder seconded the motion.

Passed

Vote: 6 – 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon, Bob Allen, David Prince;

Against: (None)

Jeff Cheney moved to reconvene into Regular Session at 10:52 p.m. Bob Allen seconded the motion.

Passed

Vote: 6 – 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon, Bob Allen, David Prince;

Against: (None)

Mayor Maso announced that there was no action to take as a result of Closed

Session.

29. City Council discussion with City Staff concerning any actions required by City Staff as a result of any item on tonight's agenda.

- Work Session discussion on Water plans and rates.

30. Discussion on Governance Monitoring of present City Council Meeting.

Mayor Maso gave the Council a grade of satisfactory.

### **ADJOURN**

There being no additional business, Jeff Cheney made motion to Adjourn at 10:55 p.m. Pat Fallon seconded the motion.

Passed

Vote: 6 – 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, Pat Fallon, Bob Allen, David Prince;

Against: (None)

*(Please note these are preliminary meeting minutes and are not official until approved by the City Council at the next scheduled meeting. Approved/signed minutes are available at <http://sire.friscotexas.gov/sirepub/docs.aspx> .)*

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Maher Maso, Mayor

ATTEST:

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Jenny Page, City Secretary